

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

BARBARA MARSHALL

PLAINTIFF

v.

CASE NO. 2:20-CV-00245-BSM

**CITY OF HELENA-WEST HELENA,
BOBBY JONES, in his individual and
official capacity**

DEFENDANTS

AGREED PROTECTIVE ORDER

1. Confidential Information obtained from the City of Helena-West Helena by Plaintiff shall be used only for the purpose of this litigation and for no other purpose, and shall not be given, shown, made available or communicated in any way to anyone except Qualified Persons.

2. Confidential Information includes, without limitation:

a. Any confidential material disclosed in any pleading, motion, deposition transcript, brief, exhibit, or other filing with the Court shall be maintained under seal. To the extent such confidential filing is capable of redaction, the redacted version of the document is to be filed on the public docket, with the unredacted version delivered in hard copy to the Clerk's Office for filing under seal. The redacted version of a confidential filing may include, when necessary, slip sheets appropriately labeled "UNDER SEAL" to indicate the exhibits or other materials that have been omitted in their entirety from the filing due to filing seal.

b. Documents, video recordings, and audio recordings, including but not limited to, personnel files, employment records, medical records, containing sensitive and/or confidential personal information containing confidential personal information,

such as social security numbers, contact information, medical information, dates of birth, and information and other matters requested by a party now or later.

c. Any information produced by a party and declared by the party at the time of production to be Confidential Information. Materials that are designated as confidential that do not fall into one of the specific categories named in Section 2(a) should be stamped confidential, or if Bates numbers are used, documents may be designated as confidential by Bates number in a letter. A party may oppose a confidentiality designation in writing, at which time the parties shall engage in a good faith effort to resolve the issue, and may move to remove the confidentiality designation if negotiations fail.

d. The parties have agreed that information or documents that would be required to be produced under the Arkansas Freedom of Information Act ("FOIA") may not be designated as confidential. Such documents may be filed with redactions of information that would be protected by an exemption to the FOIA, if the remainder of the document would be subject to production under the FOIA.

3. Except with the prior written consent of the City of Helena-West Helena, no Confidential Information may be disclosed to any person other than Qualified Persons.

4. Qualified Persons include counsel for the parties, any future counsel of record for Plaintiff in this action, secretaries, para-professional assistants, experts, and other employees of counsel who are actively engaged in assisting counsel with this action, court personnel, witnesses at trial or deposition, and the jury.

5. Upon delivery of Confidential Information to Plaintiff's counsel, the City of Helena-West Helena (or City's counsel) shall execute and submit to Plaintiff and his counsel a document entitled Inventory of Confidential Documents Delivered in the attached form. *See*

Exhibit 1. Documents containing Confidential Information shall be stamped or otherwise marked confidential.

6. This Agreement shall continue to be binding through and after the conclusion of this litigation, including all appeals. The agreement shall survive the conclusion of the litigation as a contract between the parties. No later than (3) three years after the conclusion of this litigation, Plaintiff and Plaintiff's counsel shall destroy all confidential information, including, correspondence, memoranda, notes or any other documents embodying such information, in whole or in part. All Qualified Persons are barred from disclosing in any manner any Confidential Information obtained during the course of this proceeding.

7. Documents, video recordings, and audio recordings that are entirely confidential may need to be filed with the Court and must be filed with the Clerk of this Court under seal. But to the greatest extent possible, documents containing confidential information shall be filed in a redacted form pursuant to Fed. R. Civ. P. 5.2 so that those portions of the document containing confidential information will not be visible to the public.

8. This Agreement contains the full, entire, final, and exclusive agreement, understanding and stipulation between Plaintiff and Defendants.

IT IS SO ORDERED on this 20th day of April, 2021.



THE HONORABLE BRIAN S. MILLER
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Counsel for Defendants

Jenna Adams
P.O. Box 38
North Little Rock, AR 72115

Counsel for Plaintiff

Lucien Gillham
Sutter & Gillham, P.L.L.C.
P.O. Box 2012
Benton, AR 72018

EXHIBIT 1

INVENTORY OF CONFIDENTIAL DOCUMENTS PROVIDED

I hereby submit the following documents, document pages, and/or depositions which are subject to the Protective Order for the protection of documents in *Barbara Marshall v. City of Helena-West Helena, et. al.*, filed in the United States District Court for the Eastern District of Arkansas, Delta Division, No. 2:20-cv-245.